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9-6-1954

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Cleveland Plain Dealer

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Counsels Draw Battle Lines for Sheppard's Jury Trial

BY TODD SIMON

A jury, Balzac once wrote cynically, is "12 men chosen to decide who has the better lawyer."

Odds are that William J. Corrigan, a confident veteran of the trial courts, will plead his case for Dr. Samuel H. Sheppard before 12 citizens rather than three judges when the first-degree murder case goes to the legal arena.

And it will go to trial. Corrigan last week slammed shut the gate on any talk of pleading his man guilty of manslaughter.

Therefore, some time after the middle of October, Corrigan and Fred W. Garmon and their 30-year-old client will sit down on the defense side of a trial table as the court test begins.

Blythin Due to Preside

Across from them will sit Assistant County Prosecutor John J. Mahon, Saul S. Danaceau and Thomas J. Parrino, and behind them one police officer—possibly Detective Chief James E. McArthur.

The man on the bench is most likely to be Common Pleas

Judge Edward Blythin. Presiding in the crime branch this fall, he can decide whether to try the case himself or put it before Judge Arthur H. Day or Parker Fulton.

Judge Blythin may set a date for the trial when the term opens Tuesday. It must be at least 21 days off to allow time to call a special venire of 75 possible jurors.

Then will start Corrigan's pre-trial maneuvers. He can:

MOVE TO QUASH the indictment, which charges that Sam killed his wife, Marilyn, on July 4 with "deliberate and premeditated malice."

Can Challenge Array

DEMAND MORE DETAILS than are stated in the indictment by asking for a bill of particulars.

CHALLENGE THE ARRAY, contending there was something legally wrong with the way the indicting grand jury was chosen or sworn.

ASK TRIAL ELSEWHERE on the ground that this county's citizens, drenched with news and editorial opinion, are too biased

to come to the jury box with open, fair minds.

"You newspapers," said Corrigan recently, "have convinced everyone that Sam did it."

"He is pretty sure to ask an out-of-county trial. He is not likely to get one. Nobody else ever has, say court veterans.

Corrigan is likely to follow the same footsteps he laid down in the marathon wife-murder trial of Joseph Cogan, wealthy Lakewood industrialist, in 1950. Gogan was acquitted. The trial took eight weeks.

Had Dog Examined

As in that case, Corrigan is expected to match each state expert with one for the defense. He has had a pathologist come and examine the body of the fatally hacked Bay Village

mother.

He has had an expert look over the Sheppards' dog, Koko, which did not bark on the murder night, according to police, and which had a sore haunch the next day, according to reporters at whom KoKo snarled when they got near his rear leg.

Dr. Sam said KoKo had been hit in traffic and he had put a pin in the dog's thigh bone. But at Coroner Samuel R. Gerber's inquest it turned out that that had happened two years before.

Police were convinced, too, that Corrigan tried to get back possession of the Sheppard home, 28924 West Lake Road, to send private scientific experts in to go over what Cleveland crime lab men had been exam-

ining, using "dark light," hunting blood specks.

Prosecutors were confident that the weight of their evidence would force Dr. Sheppard to take the witness stand and thereby expose his story to that trip hammer cross examination at which Prosecutor Mahon is best.

The state's case is all circumstantial. Corrigan is sure to point that out often.

But eyewitnesses, direct evidence in murders, burglaries and larcenies and many such cases, are much rarer than people think, say those on the state's side. And there have been convictions in murder cases, they say, even where the victim's body is missing, let alone a murder weapon.